

Senate File 281 - Introduced

SENATE FILE 281
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 154)

A BILL FOR

1 An Act relating to dissolvable products and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 453A.57 Dissolvable products —
2 restrictions — penalties.

3 1. Dissolvable products shall not be offered for sale or
4 sold at retail in this state unless the retail location meets
5 all of the following conditions:

6 a. The retail location does not allow individuals under
7 eighteen years of age to enter the location.

8 b. Ninety percent or more of the gross sales of the retail
9 location is based on the sale of tobacco or nicotine products.

10 c. The retail location met the requirements of paragraphs
11 "a" and "b" prior to January 1, 2011.

12 2. A dissolvable product shall not be offered for sale,
13 sold, given, or otherwise supplied to an individual under
14 eighteen years of age in this state.

15 3. A person who offers for sale or sells dissolvable
16 products at retail, or who offers for sale, sells, gives, or
17 otherwise supplies a dissolvable product to an individual under
18 eighteen years of age in this state, in violation of this
19 section, is subject to the following civil penalties:

20 a. A two hundred dollar penalty for the first violation.

21 b. A five hundred dollar penalty for a second violation
22 within three years of the first violation.

23 c. A one thousand dollar penalty for a third or subsequent
24 violation within three years of the first violation.

25 4. For the purposes of this section, "*dissolvable product*"
26 means any product containing tobacco or nicotine that is
27 intended or expected to be used for oral consumption that
28 does not consist of loose tobacco and is offered in discrete
29 single-dose or single-use lozenges, pills, capsules, strips,
30 sticks, orbs, or other single-dose or single-use units, or in
31 packages of such single-dose or single-use units. "*Dissolvable*
32 *product*" does not include any tobacco or nicotine product
33 that has been approved by the United States food and drug
34 administration for sale as, and is being marketed and sold
35 solely as, a tobacco cessation product; a tobacco dependence

1 product; a harm reduction product; or for any other medical or
2 pharmacological purpose.

3 Sec. 2. CODE EDITOR DIRECTIVE. The Iowa Code editor
4 shall codify section 453A.57, as enacted in this Act, as a
5 separate division of chapter 453A, and shall title the division
6 "Dissolvable Products".

7 EXPLANATION

8 This bill provides restrictions on the sale of dissolvable
9 products in the state in new Code section 453A.57. The bill
10 defines "dissolvable products" as any product containing
11 tobacco or nicotine that is intended or expected to be used
12 for oral consumption that does not consist of loose tobacco
13 and is offered in discrete single-dose or single-use lozenges,
14 pills, capsules, strips, sticks, orbs, or other single-dose
15 or single-use units, or in packages of such single-dose or
16 single-use units. "Dissolvable product" does not include any
17 tobacco or nicotine product that has been approved by the
18 United States food and drug administration for sale as, and is
19 marketed and sold solely as, a tobacco cessation product, a
20 tobacco dependence product, a harm reduction product, or for
21 any other medical or pharmacological purpose.

22 The bill specifies that dissolvable products shall not be
23 offered for sale or sold at retail in this state unless the
24 retail location meets three conditions: the retail location
25 does not allow individuals under 18 years of age to enter the
26 location; 99 percent or more of the gross sales of the retail
27 location is based on the sale of tobacco or nicotine products;
28 and the retail location meets the first two requirements prior
29 to January 1, 2011.

30 The bill also provides that a dissolvable product shall not
31 be offered for sale, sold, given, or otherwise supplied to an
32 individual under 18 years of age in the state.

33 A person who violates the provisions of the bill is subject
34 to the following civil penalties: a \$200 penalty for the
35 first violation; a \$500 penalty for a second violation within

1 three years of the first violation; and a \$1,000 penalty for a
2 third or subsequent violation within three years of the first
3 violation.

4 The bill also directs the Code editor to codify the new Code
5 section as a separate division in Code chapter 453A entitled
6 "Dissolvable Products".